

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14046, of John F. Sturm, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and Paragraph 7105.12) to construct a room and deck addition to a single family dwelling, a non-conforming structure, in an R-1-B District at premises 4843 Yuma Street, N.W., (Square 1498, Lot 63).

HEARING DATE: October 19, 1983
DECISION DATE: November 2, 1983

FINDINGS OF FACT:

1. The subject premises is located on the north side of Yuma Street, N.W. between 49th Street on the west and 48th Street on the east. The site is in an R-1-B District and is known as premises 4843 Yuma Street, N.W.

2. The subject lot is approximately rectangular in shape. The depth of the lot is 102.0 feet from north to south. The width of the lot is thirty-five feet from east to west. The northwest corner of the subject lot has been truncated to facilitate a ninety degree turn in the public alley adjacent to the property on its north and west sides. The west side is ninety-seven feet in length, the north side is thirty feet in width, and the line connecting these sides at the truncated corner is 7.07 feet in length. The area of the subject lot is 3,558 square feet.

3. The site is improved with a single-family detached dwelling. The subject dwelling is a two-story brick structure. The subject dwelling is located at the end of a series of dwellings built at approximately the same time. The dwellings in the series are of alternating designs.

4. There is access to the subject property from Yuma Street on the south and from the public alley at the rear of the property.

5. The subject square is developed with single family detached dwellings on lots of similar size. A public alley system provides access to the rear of each lot. The lots that abut intersections of the alleys are narrower than the other lots in the square. Nearby squares to the north and west have similar alley configurations with resulting narrow lots adjacent to the alley intersections.

6. The surrounding neighborhood is developed primarily with single family detached dwellings. The subject square is surrounded on the west, north and east by the R-1-B District. There is a C-2-A District to the south across Yuma Street.

7. The subject dwelling was constructed in 1948 in conformance with the Zoning Regulations then in effect. The existing side yards measure seven feet in width on the east and three feet in width on the west. The west side yard is adjacent to a public alley that has sixteen feet of width. The existing rear yard has approximately forty-five feet of depth. In 1958, the revised Zoning Regulations increased the required side yards to eight feet, thus making the subject dwelling a nonconforming structure. The required rear yard depth is twenty-five feet, leaving the present rear yard in conformance with approximately twenty feet in excess of the requirement. The lot area and lot width provided are less than what is required for an R-1-B District.

8. The subject dwelling is occupied by the applicant, who purchased the subject property in March of 1977. The first floor living area includes a kitchen on the west side, a dining room on the east side, and a den at the rear in the northeast corner of the dwelling. The den is one story high and has a width of 13.5 feet from east to west, whereas the dwelling has a width of approximately twenty-four feet from east to west. The den extends 9.8 feet beyond the rear of the kitchen creating an almost square open space at the northwest corner of the dwelling.

9. The kitchen of the subject dwelling is approximately ten feet wide from east to west and eight feet from north to south. The size and shape of the kitchen is such that the applicant is able to stand at the center of the room and touch the cabinets on either side. The circulation pattern of the house is so designed that there is no direct access from the kitchen to the den area. The kitchen and the den are the two rooms where the applicant spends eighty percent of his time. The applicant does most of his own cooking and would like an informal eating area in the kitchen as well as a direct access to the den. Access to the rear yard is also a problem. There is a side door from the kitchen to the side yard on the west. From this exit, steps lead down to the side yard which must be crossed to reach the rear yard.

10. The applicant proposes to construct an addition at the rear of the kitchen, an addition at the rear of the den and a deck at the rear of the two additions. Only the kitchen addition would require zoning relief. The proposed kitchen addition would measure 9.9 feet from east to west and 9.8 feet from south to north. The addition would fill

in the open space at the northwest corner of the structure and change the configuration of the existing kitchen so that all cabinets could be located on one side of the room thus creating a larger usable floor space. An informal dining area would be possible in the new kitchen. The proposed addition will not increase the degree of nonconformity of the structure.

11. The circulation pattern of the dwelling would be changed by the proposed additions so that there would be direct access from the kitchen addition to the existing den and direct rear access from the kitchen addition onto the rear deck and into the rear yard. The side entrance into the existing kitchen would be retained thus providing two access points to the kitchen.

12. The den addition would be 13.5 feet in width at its southern side where it would adjoin the existing den. The footprint of the den addition would narrow toward the rear so that its rear or north side would be only seven feet in width. The east side of the den addition would be set back one foot from the existing east wall of the dwelling thus providing a conforming eight foot side yard on the eastern side of the addition. The west side of the den addition would abut the proposed deck at an acute angle causing the deck to have an irregular five-sided shape. The depth of the proposed deck would be 12.45 feet from south to north. Its west side would be in line with the eastern wall of the existing dwelling and the kitchen addition. The height of the deck would be approximately eight inches, below the height of four feet above which a deck cannot occupy a required yard.

13. The proposed additions to the kitchen and den would be one story in height. The location of the proposed additions would continue to provide a conforming rear yard that would exceed the twenty-five feet required by 13.5 feet. The conforming eight foot side yard to be provided on the east would eliminate the extension of an existing nonconformity. The lot occupancy would be increased from 981.86 square feet to 1,174.905 square feet. The permitted lot occupancy is forty percent or 1,423 square feet for the subject lot. The three foot side yard to be provided on the west would extend the existing nonconformity of the west side yard. The proposed kitchen addition on the west side of the dwelling would thus require a variance from the eight foot side yard requirement. The applicant is seeking variance relief from Sub-section 3305.1 and Paragraph 7105.12.

14. The Board of Zoning Adjustment has the power to grant area variances under Paragraph 8207.11 of the D.C. Zoning Regulations where by reason of exceptional narrowness, shallowness or shape of a specific piece of property

at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adoption under the Zoning Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

15. Paragraph 7105.12 of the Zoning Regulations provides that enlargements or additions may be made to a nonconforming structure provided such structure is conforming as to percentage of lot occupancy, and further provided that the addition or enlargement itself is conforming as to use and structure, does not increase or extend any existing nonconforming aspect of the structure, and does not create any new nonconformity of structure and addition combined.

16. The size and shape of the subject lot combined with the size and location of the existing kitchen permit no other possible alternative for expansion. The lot is under-sized and the existing side yards are exceptionally narrow. If the kitchen addition were any narrower than the proposed width, the access from the existing kitchen to the kitchen addition would be impossible and the resulting expanded kitchen would be irregular in shape. The existing kitchen is located at the northwest corner of the existing dwelling. Expansion of the kitchen would logically proceed to the north or west. The three foot wide side yard on the west precludes expansion to the west so the applicant proposes expansion to the north. The expansion to the east or south would render existing rooms unusable and would require the construction of new structural support for the second floor.

17. The sixteen foot width of the public alley on the west of the site in combination with the three foot width of the side yard on the west provides nineteen feet of distance between the proposed addition and the eastern lot line of the nearest property to the west of the subject site. The proposed structure would conform to neighboring structures in appearance and aesthetic nature. The applicant asserted that his neighbor two doors down has an identical dwelling and has constructed a similar addition with a height of two stories. He further asserted that most other properties in the square have on-site parking at the rear but that the subject site does not have on-site parking because the subject lot is smaller than most other lots in the square.

18. Two owners of neighboring properties submitted letters to the record in support of the application. The neighbors reported that they had been shown the applicant's plans and had no objection to the proposed additions and deck or to the grant of a side yard variance to permit the construction. Their support was based on the opinion that the proposed additions would increase the property value, improve the exterior of the dwelling and make the interior more livable.

19. Advisory Neighborhood Commission 3E made no recommendations on this application.

20. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical condition. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose and the zone plan.

The Board concludes that the applicant has met this burden of proof in showing a practical difficulty inherent in the property. The narrowness of the subject lot and the existing nonconformity of the subject dwelling are exceptional conditions which cause the construction of an addition at the rear of the dwelling to violate the side yard requirements. The Board notes that the proposed addition does not increase the degree of nonconformity of the structure.

The Board further concludes that permitting the proposed rear addition will not cause substantial detriment to the public good nor will it substantially impair the intent and purpose of the zone plan. The proposed structure is not objectionable to the neighborhood and will permit a reasonable use of private property. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 3-0 (William F. McIntosh, Douglas J. Patton and Charles R. Norris to grant; Carrie L. Thornhill and Walter B. Lewis not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAR 19 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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